

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 08-51116
Honorable David M. Lawson

WILLIAM IBIANSKI,

Defendant,

v.

THYSSENKRUPP MATERIALS NA,
INCORPORATED PENSION PLAN
COMMITTEE,

Garnishee.

_____ /

**ORDER DENYING NON-PARTY VICTIM'S MOTION TO DIRECT
GARNISHEE TO PAY PORTION OF MONTHLY PENSION BENEFITS**

This matter is before the Court on ThyssenKrupp Materials NA, Inc.'s (ThyssenKrupp) motion to direct the garnishee to pay twenty-five percent of the defendant's monthly pension benefits to ThyssenKrupp in partial satisfaction of the defendant's court-ordered restitution. William Ibianski pleaded guilty to embezzling from his former employer, Copper and Brass Sales, Inc., and was ordered to pay \$244,248.29 in restitution to Copper and Brass Sales, Inc. *United States v. Ibianski*, No. 07-20632 (Oct. 23, 2008) (judgment). He was also ordered to pay \$871,854.44 in restitution to Zurich American Insurance Company. There has been no response to ThyssenKrupp's motion filed, and the time for doing so has elapsed. After due consideration, the Court will deny the motion. ThyssenKrupp is not one of the two victims in the judgment and commitment, and the

Court may not order payment of restitution to non-victims of the offense of conviction. *United States v. Wolf*, 90 F.3d 191, 194 (7th Cir. 1996).

Accordingly, it is **ORDERED** that ThyssenKrupp Materials NA, Inc.'s motion to direct garnishee to pay portion of monthly pension benefits [dkt. # 15] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 26, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 26, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL